

REMARKS

Claims 187-201 and 217-231 are pending.

Applicants note with appreciation that the rejection of claims 187, 190, 193, 195-201 under 35 U.S.C. § 102(e) and the rejection of claims 187-201, 217-231 under 35 U.S.C. §103(a) as being unpatentable over Nidamarty et al. (US 2003/0206969) has been reconsidered and withdrawn.

REJECTIONS UNDER OBVIOUSNESS-TYPE DOUBLE PATENTING

A. Rejection under Obviousness-Type Double Patenting over Claims 1-4 of U.S. Pat. No. 6,814,983

The Examiner has continued to provisionally reject claims 187-201 and 217-231 under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Pat. No. 6,814,983. Office Action of 16 September 2005 at page 3. Without acquiescing to the propriety of the present rejections, and solely to expedite the allowance of the present application, Applicants file herewith a terminal disclaimer of the patent term of the patent granted on the instant application that extends beyond the patent term of U.S. Patent No. 6,814,983. Indeed, Applicants do not necessarily agree that the respective claims are not patentably distinct from each other and Applicants respectfully request that this rejection be reconsidered and withdrawn.

B. Rejection under Obviousness-Type Double Patenting over Claims 1-4 of U.S. Pat. No. 6,814,983 in View of Manning et al. (U.S. Pat.6,569,445) or Nidamarty et al. (U.S. 2003/0206969)

The Examiner has continued to provisionally reject claims 187-201 and 217-231 under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Pat. No. 6,814,983 in view of Manning et al. (U.S. Pat.6,569,445) or Nidamarty et al. (U.S. 2003/0206969). Office Action of 16 September 2005 at page 4. Without acquiescing to the propriety of the present rejections, and solely to expedite the allowance of the present application, Applicants file herewith a terminal disclaimer of the patent term of the patent granted on the instant application that extends beyond the patent term of U.S. Patent No. 6,814,983. Indeed, Applicants do not necessarily agree that the respective claims

are not patentably distinct from each other and Applicants respectfully request that this rejection be reconsidered and withdrawn.

CONCLUSION

Applicants have properly and fully addressed each of the Examiner's grounds for rejection. Applicants submit that the present application is now in condition for allowance. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,

4 October 2005



Don J. Pelto
Reg. No. 33,754

Preston Gates Ellis & Rouvelas Meeds, L.L.P.
1735 New York Avenue NW, Suite 500
Washington, DC 20006
Telephone: (202) 628-1700
Facsimile: (202) 331-1024